

**SHIPPED:** 9-4-59 and 10-16-59, from Philadelphia, Pa.

**LABEL IN PART:** (30-capsule size) "ZEST FORMULA 30 Time Disintegration Capsules 'Pep' in Minutes! Lasts for Hours! \* \* \* Royalin Company, Inc. Los Angeles 48, Calif. Each Capsule contains: Trimethylxanthine (caffeine alkaloid), 165 mgm; Thiamin Chloride (Vit. B-1), 5 mgm, \* \* \* Riboflavin (Vit. B-2) 1.2 mgm, \* \* \* Niacin, 10 mgm \* \* \* Pyridoxine HCl (Vit. B-6) 0.5 mgm; Cobalamin Conc.—(Vit. B-12), 1 mcg; Dextrose powdered \* \* \* Adult Dose: 1 or 2 capsules in the morning"; and (trial-size) "Zest Formula Trial Sample. Each Capsule Contains."

**ACCOMPANYING LABELING:** Pamphlets entitled "New Laboratory Miracle Zest."

**RESULTS OF INVESTIGATION:** The article in the plastic containers and the trial bottles was repackaged and labeled by the dealer from bulk stock shipped as described above, and the pamphlets were obtained locally by the dealer.

**LIBELED:** 10-28-59, S. Dist. Calif.

**CHARGE:** 502(a)—while held for sale, the labeling of the article contained false and misleading representations that the article was capable of giving anyone a "lift" in minutes; was capable of giving anyone a "lift" that lasts for hours; was especially effective for professional people in counteracting temporary mental and physical fatigue that may affect their business judgment and efficiency; would correct in homemakers, weariness and depression resulting from strenuous household chores; would effectively fight fatigue in laborers; would make oldsters feel younger; would in minutes give a quick charge of pep to athletes; would keep office workers wide awake and alert all day; was a revolutionary new "pep" pill for men and women that gives an immediate "lift" and wide-awake alertness to all persons whose energy and enthusiasm had been drained due to overwork, nervous strain, or emotional distress; contained trimethylxanthine (caffeine), a new ingredient, and was not an ordinary vitamin preparation.

**DISPOSITION:** 12-30-59. Default—destruction.

**6065. Testone Wheat Germ Oil capsules.** (F.D.C. No. 35581. S. Nos. 34-888 L, 43-776 L, 45-465 L, 54-673/5 L, 57-384 L.)

**INFORMATION FILED:** 10-7-54, S. Dist. N.Y., against Morris Silfan, t/a Canal Medical Products and New York Medical Products, Seward Laboratories, Inc., and Leo Savitch, president of the corporation, New York, N.Y.

**SHIPPED:** Between 5-20-53 and 7-16-53, from New York, N.Y., to St. Louis, Mo. (count 1), Jamaica Plain, Mass. (count 2), Baltimore, Md. (count 3), North Sacramento, Calif. (count 4), and Flint, Mich. (count 5).

**LABEL IN PART:** (Front panel) "MINIMCAPSULES Testone Wheat Germ Oil CAPSULES HORMONES As found in wheat. Nine capsules have activity equal to: Testosterone—6.6 mcg. Estrone—0.5 mcg. Survival Factor—Vitamin E—3.4 mgs. Need for hormones and Vitamin E in human nutrition not established. Units of measurement for wheat germ oil not established. Dist. by NEW YORK MEDICAL PRODUCTS 246 Fifth Avenue New York 1, N.Y."; and (right side panel) "Dosage: 3 capsules at each meal—the oil of 1¾ pounds of fresh whole wheat daily."

**ACCOMPANYING LABELING:** Leaflets entitled "Men Past 40 if You have any of These Symptoms," "Want Proof of Testone's Effectiveness?," and an order blank headed "Don't Delay! \* \* \* Rush Your Testone Order Today."

**CHARGE:** 502(a)—when shipped, the labeling of the article contained false and misleading representations that the article contained hormonal activity equivalent to therapeutically significant amounts of testosterone and estrone and that the article was an adequate and effective treatment for male hormone deficiency, loss of sex urge, sleeplessness, irritability, lack of vigor, nervousness, loss of muscle power, loss of pep, tiredness and premature old age, and that the article was effective to restore man to a life of vigor, vitality and sex enjoyment.

**PLEA:** Guilty by Silfan to counts 1, 2, 4 and 5; by Savitch to count 1; and by the corporation to counts 1, 2 and 3.

**DISPOSITION:** 3-28-60. Silfan—\$1,000 fine of which \$750 was remitted; 90 days in jail which was suspended; and probation for 1 year. Savitch—\$500 fine; 90 days in jail which was suspended; and probation for 1 year. Corporation—\$3 fine which was remitted.

**6066. Kelp tablets.** (F.D.C. No. 43118. S. No. 50-139 P.)

**QUANTITY:** 15 drums, each containing 64 lbs. in tablet form, 62 1,000-tablet cans, and 7 500-tablet cans, at Kingsport, Tenn., in possession of Thomas D. Pruitt.

**SHIPPED:** 12-24-58, from Kalamazoo, Mich.

**LABEL IN PART:** (Drum) "Each tablet contains: Pacific Kelp 5 gr." and (can) "5 grain tablets \* \* \* Pruitt's Pure Pacific Sea Kelp \* \* \* A Pure Natural Food to be used as a supplement to the regular diet, as nutrition only \* \* \* Packed and Distributed by T. D. Pruitt, \* \* \* Kingsport, Tennessee. \* \* \* Average usage: 6 tablets three times daily, 18 tablets (90 grains) supplements the regular diet."

**ACCOMPANYING LABELING:** Leaflets entitled "Are You Starving" and "Food and Your Body."

**RESULTS OF INVESTIGATION:** The tablets in the cans were repacked and labeled by the dealer from the tablets in the drums shipped as described above.

The leaflets were furnished to customers by the dealer for promotional purposes.

**LBELED:** 4-21-59, E. Dist. Tenn.

**CHARGE:** 502(a)—while held for sale, the labeling of the article contained false and misleading representations that the article, when used according to directions, was an adequate and effective treatment for producing and maintaining a normal and vigorous health, clear complexion, happier life, endurance, will power, vigor and stamina; that the article coagulated blood in wounds; prevented tuberculosis and rickets; was essential in digestion; purified body tissues; prevented excessive weight; kept joints supple; would distribute hormones in the body; was necessary for iron transfer from the food to the blood and for iron assimilation; aided in tissue respiration; was essential to every gland and for proper heart function; ejected and counteracted poisons; gave vitality and longer life; helped prevent "tired feeling," cold hands and feet, slow thinking, premature gray hair; was needed to carry oxygen to the blood; gave pep and strength; was required for firm tissues, bones, glands, and nerves; stimulated memory; prevented irritation and worry; aided production of enzymes; hardened bones and teeth; was an aid to body relaxation and good disposition; created body beauty; was essential for body activity; built brain and nerves; supplied recuperative